

EXHIBIT A

Please Review the Following
Important Information
Before Filling Out a Charge Form!

- Please call an Information Officer in the Regional Office nearest you for assistance in filing a charge. The Information Officer will be happy to answer your questions about the charge form or to draft the charge on your behalf. Seeking assistance from an Information Officer may help you to avoid having the processing of your charge delayed or your charge dismissed because of mistakes made in completing the form.
- Please be advised that not every workplace action that you may view as unfair constitutes an unfair labor practice within the jurisdiction of the National Labor Relations Act (NLRA). Please click on the Help Desk button for more information on matters covered by the NLRA.
- The section of the charge form called, "Basis of Charge," seeks only a brief description of the alleged unfair labor practice. You should **NOT** include a detailed recounting of the evidence in support of the charge or a list of the names and telephone numbers of witnesses.
- After completing the charge form, be sure to sign and date the charge and mail or deliver the completed form to the appropriate Regional Office.
- A charge should be filed with the Regional Office which has jurisdiction over the geographic area of the United States where the unfair labor practice occurred. For example, an unfair labor practice charge alleging that an employer unlawfully discharged an employee would usually be filed with the Regional Office having jurisdiction over the worksite where the employee was employed prior to his/her discharge. An Information Officer will be pleased to assist you in locating the appropriate Regional Office in which to file your charge.
- The NLRB's Rules and Regulations state that it is the responsibility of the individual, employer or union filing a charge to timely and properly serve a copy of the charge on the person, employer or union against whom such charge is made.
- By statute, only charges filed and served within **six (6) months** of the date of the event or conduct, which is the subject of that charge, will be processed by the NLRB.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**

Case

Date Filed

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Whole Foods Market Services, Inc.		b. Tel. No. 1-512-477-4455
		c. Cell No.
		f. Fax. No.
d. Address (Street, city, state, and ZIP code) 550 Bowie St., Austin, TX 78703	e. Employer Representative	g. e-mail
		h. Number of workers employed
i. Type of Establishment (factory, mine, wholesaler, etc.) Grocery Store Chain	j. Identify principal product or service Grocery Store Chain	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) **Section 7** of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

See attached Exhibit A.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)
Savannah Kinzer

4a. Address (Street and number, city, state, and ZIP code) Savannah Kinzer 18884 Southeast 42nd St., Issaquah, Washington, 98027 c/o Shannon Liss-Riordan, Esq. Lichten & Liss-Riordan, P.C. 729 Boylston St., Ste 2000 Boston, MA 02116	4b. Tel. No. 206-465-9628
	4c. Cell No.
	4d. Fax No.
	4e. e-mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**6. DECLARATION**I declare that I have read the above charge and that the statements
are true to the best of my knowledge and belief.

Shannon Liss-Riordan, Esq.

(signature of representative or person making charge)

(Print/type name and title or office, if any)

Lichten & Liss-Riordan, P.C., 729 Boylston St., Ste 2000,
Address Boston, MA 02116Date December 21, 2021Tel. No.
617-994-5800

Office, if any, Cell No.

Fax No.

e-mail
sliss@llrlaw.com; adoherty@llrlaw.com**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

EXHIBIT A

Whole Foods Market Services, Inc. (“Whole Foods”) has unlawfully interfered with and restrained its employees in their exercise of their § 7 right to engage in protected concerted activity for mutual aid and protection.

Savannah Kinzer is a former employee of Whole Foods. She worked at the 340 River St., Cambridge MA 02139, location. Whole Foods fired Ms. Kinzer for wearing a face-mask to work that said “Black Lives Matter” and for protesting discrimination and retaliation in the workplace (which she protested in part by filing charges with this Board, the EEOC, and a federal court action challenging the ban on BLM masks as discriminatory and Whole Foods’ resultant discipline of its workers as discriminatory and retaliatory).

Ms. Kinzer is currently pursuing a retaliation claim under Title VII against the company in federal court, Kinzer, et al. v. Whole Foods Market, Inc., Civ. A. No. 1:20-cv-11358. In discovery in that case, Whole Foods requested production of communications that Ms. Kinzer had with coworkers regarding the allegations in her Complaint, which necessarily includes any communications with coworkers regarding organizing efforts centered around the BLM masks and Whole Foods’ retaliation against Ms. Kinzer and other Whole Foods workers for protesting discrimination and retaliation at Whole Foods. Plaintiff Kinzer objected to producing such documents (and to identifying those workers she communicated with) on the basis that these communications constitute protected concerted activity under Section 7 of the NLRA and are therefore privileged.

Whole Foods nevertheless aggressively pursued production of a specific Facebook group chat that includes Whole Foods workers and Ms. Kinzer (and which counsel is copied on) that related to these workers’ organizing efforts. Notwithstanding plaintiff’s objection on the basis that these communications should not be produced because they constituted protected concerted activity under Section 7, the Court ordered Ms. Kinzer to produce the Facebook group communications. Kinzer, et al. v. Whole Foods Market, Inc., Civ. A. No. 1:20-cv-11358, Dkt. 97.

Ms. Kinzer hereby alleges that Whole Foods has violated Section 8(a)(1) of the Act, by requesting and then aggressively pursuing production of these communications, thereby interfering with Ms. Kinzer’s and her co-workers’ exercise of their § 7 right to engage in protected concerted activity for mutual aid and protection.